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Paper No. 11

MILLER PATENT SERVICES
2500 DOCKERY LANE
RALEIGH, NC 27606

In re Application of :
Smith et al. :
Application No. 10/085,854 :
Filed: February 27, 2002 :
Attorney Docket No. RDS-001 :

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OFFICE OF PETITIONS

This is a decision in response to the petition under 37 CFR 1.137(b), filed January 14, 2004, to revive the above-identified application.

This Petition is hereby granted.


The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed December 13, 2002. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). A reply, filed March 21, 2003 did not constitute a proper reply, or a bona fide attempt at a proper reply to non-final Office action. No proper reply having been received, the application became abandoned on March 14, 2003. A Notice of Abandonment was mailed on August 1, 2003.

With the instant petition, Petitioner has satisfied the requirements of a grantable petition under 37 CFR 1.137(b). An Amendment in response to the December 13, 2002 Office action is filed with the instant petition. Accordingly, the petition is granted.

The Power of Attorney or Authorization of Agent has been entered and made of record.

This application is being forwarded to Technology Center Art Unit 2859 for processing of the Amendment, filed January 14, 2004, in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.


Derek L. Woods
Petitions Attorney
Office of Petitions